

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                           |   |                     |
|---------------------------|---|---------------------|
| UNITED STATES OF AMERICA, | ) |                     |
|                           | ) | Criminal No. 99-175 |
| v.                        | ) |                     |
|                           | ) | Judge Cathy Bissoon |
| CHARLES STUBBS,           | ) |                     |
|                           | ) |                     |
| Defendant.                | ) |                     |

**ORDER**

Defendant's Motion (Doc. 370) for compassionate release, based on Covid-19 related health concerns and otherwise, will be denied.

To the extent that Defendant seeks relief based on Covid, the government is correct that his evidence regarding administrative exhaustion reflects efforts made prior to the pandemic. Defendant has not shown himself to have exhausted administrative remedies as relates to Covid; and his Motion is deniable on that basis, alone. The Court also agrees with the government that Defendant's vaccination status (fully vaccinated) severely undermines the notion that Covid concerns warrant his release. *See* Doc. 372 at 6-9 (collecting cases).

There is little reason to dwell on these matters, however, because – even assuming Defendant could demonstrate extraordinary and compelling circumstances – he has failed to convince the Court that his release or a reduction in sentence is warranted in light of the factors in Section 3553. Defendant was convicted of conspiracy, bank robbery, armed bank robbery, the use of a firearm during a crime of violence and possession of a firearm by a convicted felon. *See* Judgment (Doc. 218). Defendant was sentenced to an effective term of imprisonment of 562 months, *see id.*, and the Judgment was affirmed on appeal. *See U.S. v. Stubbs*, 103 Fed. Appx. 471, 472 (3d Cir. July 9, 2004). Defendant's criminal history was significant,

and involved crimes of violence, resulting in him being designated a Career Offender and an Armed Career Criminal. *See* Doc. 372 at 1.

As of now, Defendant has served roughly half of his sentence. *See id.* at 1-2.

Although Defendant's rehabilitative efforts while in custody are laudable – and the Court does not take lightly the familial concerns recited in his Motion – the undersigned is not persuaded that the requested relief is warranted. Specifically, granting such relief would not afford adequate weight to considerations regarding Defendant's significant criminal history, the very serious nature of his offenses and the needs for just punishment and deterrence.

For these reasons, along with the others identified in the government's opposition (Doc. 372), Defendant's Motion (**Doc. 370**) is **DENIED**.

IT IS SO ORDERED.

August 4, 2022

s/Cathy Bissoon

Cathy Bissoon

United States District Judge

cc (via First-Class U.S. Mail, to return address  
on Defendant's envelope of submission):

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